

O I P E
FEB 28 2005
PATENT & TRADEMARK OFFICE
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Alexandria, VA 22313-1450

2-24-05, 2005

Rod D. Baker, Reg. No. 35,434

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.: 09/910,415

Filed: 07/20/2001

Applicant: Meyers

Title: Mask for use with eyeglasses

Declaration of LIZA MEYERS under 37 CFR 1.68
In Support of Petition to Revive Unavoidably Abandoned Patent Application

1. I, Liza Meyers, am a partner at the law firm of Lewis, Meyers & Scheid, LLC, in Denver, Colorado. My law firm was formerly known as Webb, Lewis & Meyers, LLC. I am licensed to practice law in the State of Colorado, and have been practicing law full-time since 1990. I have never been disciplined by any bar or court organization. I have personal knowledge of the following facts, except those which I state upon belief, which I believe to be true based upon all the information presently available to me.

General Factual Background

2. In April of 2003, I joined the partnership of Mr. Kurt Lewis and Mr. Glenn Webb for the practice of law.

3. I had become acquainted with Mr. Webb when I was in-house counsel for a company and Mr. Webb was performing patent work for said company.

4. Prior to joining the firm, Mr. Webb had undertaken patent work for my mother,



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Judith P. Meyers, the applicant in the above referenced patent matter (the "Meyers Application").

5. On several occasions, both prior to and after joining the firm, I asked Mr. Webb about the status of the Meyers Application. On all occasions, Mr. Webb led me to believe that everything was in order with respect to the Meyers application and that it was progressing on track.

6. In November of 2003, Mr. Webb provided an itemized bill which demonstrated that he, together with our law clerk, Mr. Ian Walsworth, had prepared and filed a response to an office action in connection with the Meyers Application. Specifically, the invoice indicated that Mr. Webb had prepared and filed a response to an office action on October 10, 2003. A true and correct copy of this bill is attached hereto as Exhibit A.

7. Beginning in about late March or early April of 2004, I and other individuals in the firm of Webb, Lewis & Meyers, noted changes in Mr. Webb's behavior. He became somewhat withdrawn, and over a period of several weeks, he communicated less and less frequently with other employees of the firm. There were also instances where clients expressed concerns over Mr. Webb's responsiveness. Specifically as regards one of my clients, we instituted a weekly status report which I prepared after discussing the status of pending patent matters with Mr. Webb, so that I could attempt to move matters forward for this client.

8. During the spring and summer of 2004, Mr. Webb became increasingly isolated from, and uncooperative with, the other employees of our firm. His behavior, besides reclusive, also became erratic and unpredictable, and occasionally angry and hostile. When I or others approached Mr. Webb with questions about his practice and caseload, both generally and with respect to specific projects and matters, he responded defensively and evasively. Many questions regarding his obligations and intentions, as well as the status of legal matters in his charge, were answered with what to my knowledge and belief we later determined to be half-truths, incomplete responses, denials, and occasionally with outright falsehoods and losses of temper. Many questions to Mr. Webb about his practice went unanswered. Near the end of his employment by the firm, Mr. Webb exhibited fits of shouted anger.

9. In the weeks prior to Mr. Webb's discharge from our law firm, I believe Mr. Webb received notices of impending deadlines on his docket. As we later discovered, Mr. Webb on various occasions stated he had taken action on docketed matters when in fact he had not, including, as we later discovered, with respect to the Meyers Application.

10. Also, I believe that Mr. Webb's oral notices and updates to other persons in the firm, including docket staff, became irregular at best, unreliable in their truthfulness and/or accuracy, and sometimes lacking altogether for certain clients and matters.

11. Despite my and other's efforts to rectify the situation, Mr. Webb's relationship with the firm declined, and efforts to obtain truthful information from him on a variety of subjects concerning pending client matters failed.

12. The deteriorating relationship between Mr. Webb and all other employees of the firm, as well as Mr. Webb's apparent mental state and angry outbursts, caused me to suspect that Mr. Webb might be suffering some form of mental breakdown.

13. In mid-August, 2004, my partner Kurt Lewis and I became aware that Mr. Webb had let crucial deadlines pass without any action on his part. The deadlines, pertaining to a legal matter unrelated to the instant petition, resulted in prejudice or potential prejudice to the client. As a result, on or about August 18, 2004, therefore, we accepted Mr. Webb's resignation from the partnership, and he ceased his association with the firm.

14. Upon Mr. Webb's departure from the firm, I emailed him to again inquire of the status of the Meyers Application. He responded that he had prepared a response last spring, had missed the deadline to file it, but had paid the extension fee. Again, he gave me the erroneous indication that the application was fine and that he anticipated that the application should be close to issuance. True copies of my email to Mr. Webb on August 24, 2004 and Mr. Webb's response on August 25, 2004 are attached as Exhibit B.

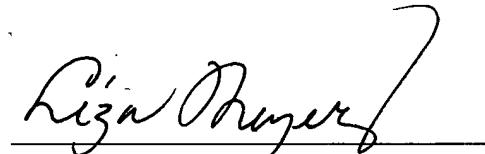
15. I believe, based upon my first-hand interactions with Mr. Webb prior to his resignation, that his aberrant and irresponsible behavior was attributable to a mental breakdown

of some type.

16. Shortly after Mr. Webb's resignation, the remaining partners changed the name of the firm to Lewis & Meyers, LLC. We have subsequently added another partner, and the firm is currently known as Lewis, Meyers & Scheid.

17. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above referenced application or any patent issuing thereon.

Date: February 7 , 2005



Liza Meyers

Webb Lewis & Meyers LLC
Riverpoint Building
2300 Fifteenth Street, Suite 320
Denver CO 80202

(303) 534-5040

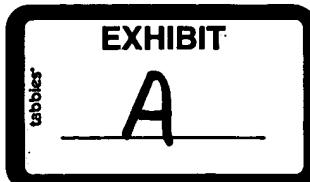
(303) 534-5039 fax

November 20, 2003

Judith Meyers
On the Fold, Inc.
P.O. Box 336384
Greeley CO 80633

		<u>Hrs/Rate</u>	<u>Amount</u>
10/03/03	IW	Research for amendments to claims for decorative mask patent application for response to Office Action. Draft amended claims and review content for corrections and omissions.	3.00 80.00/hr
10/07/03	IW	Complete draft of amendments to claims. Meet with G. Webb to discuss content for arguments/remarks section of response to Office Action.	2.00 80.00/hr
10/09/03	IW	Draft argument/remarks section of response to Office Action in decorative maske patent application.	2.50 80.00/hr
10/10/03	IW	Draft line art for response to Office Action in decorative mask patent application.	1.50 80.00/hr
	GLW	Prepare and file response to Office Action.	2.00 225.00/hr
For professional services rendered:		<hr/>	<hr/>
		11.00	\$0.00
BALANCE DUE:		<hr/>	<hr/>
		\$0.00	<hr/>

PLEASE NOTE OUR ADDRESS CHANGE!



Liza Meyers

From: Liza Meyers [liza@webblewis.com]

Sent: Tuesday, August 24, 2004 3:09 PM

To: 'glenn@webbpatlaw.com'

Glenn,

Would you please let me know the status of my Mom's mask application?

Thank you,

Liza



Liza Meyers

From: Glenn L. Webb [glenn@webbpatlaw.com]
Sent: Wednesday, August 25, 2004 9:40 AM
To: liza@webblewis.com
Subject: *Spam?* patent application

Liza,

Ian and I prepared a response last spring for your mom's application. We had missed the first deadline to file it, but paid the extension fee. I will check in with the Patent Office and see what the status is. It should be close to issuance hopefully. If you want to switch it over to someone else, I can assist, or if you want me to see it through to issuance I will be glad to do that at no charge.

Regards,

Glenn L. Webb
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